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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Morré and Morré

Application No.: 09/536,551

Group Art Unit: 1647

Filed: March 28, 2000

Examiner: Wells, L.

For: METHODS FOR IDENTIFYING
AGENTS THAT INHIBIT SERUM
AGING FACTORS AND USES AND
COMPOSITIONS THEREOF

Attorney Docket No.: 8951-124-999

**DECLARATION OF DOROTHY M. MORRÉ AND
D. JAMES MORRÉ UNDER 37 C.F.R. § 1.132**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, DOROTHY M. MORRÉ AND D. JAMES MORRÉ, do declare and state that:

1. We are the inventors of the invention disclosed and claimed in the above-identified application. We reviewed the application and claims and executed a declaration and power of attorney on June 15, 2000.

2. Dorothy M. Morré is a Professor of Foods and Nutrition in the Department of Foods and Nutrition at Purdue University located in West Lafayette, Indiana, 47907. D. James Morré is a Dow Distinguished Professor of Medicinal Chemistry in the Department of Medicinal Chemistry and Molecular Pharmacology at Purdue University located in West Lafayette, Indiana, 47907.

3. We are co-authors with Rhea Pogue of a paper entitled "A multifunctional hydroquinone oxidase of the external cell surface and sera" in *BioFactors*, 1999, 9:179-187 (hereinafter "BioFactors").

4. We are the only inventors of the subject matter which is both disclosed in BioFactors and disclosed and claimed in the above-captioned patent application.

5. Rhea Pogue was a technician in the laboratory of Dorothy M. Morré. She

performed the superoxide production assays reported in BioFactors at our suggestion and under our direction. Such assays are routine methods well-known in the art. While Rhea Pogue is identified as a co-author on BioFactors, this individual did not, in fact, make any intellectual contribution to the claimed invention of the subject patent application, and is not a co-inventor with respect to the claimed invention.

6. Technical papers typically list as co-authors those individuals who rendered some assistance or performed some work in connection with a project, irrespective of whether they were merely acting at the direction and under the supervision of someone else and/or were merely providing routine technical support. Moreover, individuals may be listed as co-authors on a technical paper if they were involved in some aspect of the project described in a technical paper irrespective of whether their involvement formed a part of the later claimed invention. As regards the aforementioned paper, the other co-author was such an individual, *i.e.*, a technician who acted at our direction to carry out our experimental plans exercising routine skill.

10. We declare further that all statements made in this Declaration of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date 2/28/02

Dorothy M. Morré

Dorothy M. Morré

Date 2/28/02

D. James Morré

D. James Morré